

Mr. Chairman and members of the Committee, I am here today representing the membership of the Shooters Alliance for Firearms Rights (SAFR) and wish to address some concerns our members have with H.B. 4978.

This Bill is targeted at both Permits to Purchase a Pistol and Concealed Pistol Permits. While our members concur that it is vitally important to prevent individuals who are prohibited under Federal law from obtaining firearms, we feel this Bill has omitted an important safeguard as to how these prohibitions occur. The Bill states that a Permit to Purchase a Pistol or a Concealed Weapons Permit shall be denied to anyone prohibited from possessing or transporting a firearm under Federal law. Our concern is that under legislation currently under consideration in the U.S. Congress, a person may be made ineligible to possess a firearm simply by their name (or a similar name) being placed on either the Terrorist Watch List or the Do Not Fly list. Since the policy for having ones name placed on these lists is classified, no one is truly aware of the criteria for having a name placed on them. In addition, there is no means in place for review or for having one's name removed. In effect, the due process rights of both U.S. Citizens and legal resident aliens may be denied should a person's name appear on either of these lists. It is because of this lack of due process that we are opposed to this Bill. Should the language be amended to reflect that: "The issuing agency has determined that the applicant is not prohibited under federal law *by means of adjudication* from possessing or transporting a firearm.", our objection may be overcome.

The Michigan State Police (MSP) have expressed that this Bill is needed for Michigan to enter into additional reciprocity agreements so that more states will honor Michigan CPL's. However, one of the key holdouts, Texas, just announced last week that they will now honor MI CPL's. Further, we have been unable to document any state that has indicated that they will revoke reciprocity agreements currently in place should this Bill fail to pass.

Another concern the MSP has articulated is that an exemption the BATFE has granted the state of Michigan to accept Pistol Purchase Permits in place of a NICS check will expire this month should this Bill fail to pass. Under current law, a Michigan resident may obtain a Pistol Purchase Permit and then use it at a Federal Firearm Licensed (FFL) dealer in lieu of a NICS check to purchase a firearm. The reason for this is that in order to obtain a purchase permit, the applicant will undergo both an Immigrations and Customs Enforcement (ICE) and a LEIN (Law Enforcement Information Network) check. These databases provide the same information as would a NICS check. Under current statute, CPL holders are exempt from having to obtain a pistol purchase permit in order to buy a pistol from a FFL. However, if they use that exemption, they must then undergo a NICS check before they may take delivery of the pistol. For long guns, they still must have a NICS check for all purchases from a FFL. For private party transactions, there is no NICS check required for all long guns purchases. For pistols, a CPL holder may use their CPL exemption and non CPL holders must first obtain a purchase permit. All pistols must be registered after their purchase from either a FFL or a private party. At the time of registration, a LEIN check is run on the purchaser. Because of this, ALL persons

purchasing a pistol in Michigan in fact do undergo a background check to verify their ability to lawfully purchase a firearm. Should BATFE revoke Michigan's exemption, the only transactions that will be affected are those by people who obtain a Pistol Purchase Permit to forego a NICS check when buying a long gun from a FFL. On the other hand should this Bill become law, there is no indication that a CPL will be able to substitute in place of a NICS check. Being able to do so would be of great benefit to Michigan residents who have qualified for a CPL.

It is SAFR's position that there is no benefit to Michigan gun owners and a large potential pitfall from this Bill. Should the language be changed to reflect that the defect in one's ability to possess a firearm may only be created through adjudication, we would be willing to reconsider our position. Until then, we OPPOSE H.B. 4978.

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